**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**C.R.No.5564 of 2006 (O&M)**
Date of decision : 24.10.2006.

The Shiv Mandir Prabandhak Committee Bhoor Mandi, Jalandhar Cantt.

.....Petitioner.

Versus

Hukam Chand & Ors..

.....Respondents.

**CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA**

Present : Mr. G.S. Nagra, Advocate
for the petitioner.

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**VINOD K. SHARMA,J.( ORAL )**

By way of present revision petition the petitioner herein has challenged the order passed by the learned Civil Judge ( Sr. Divn.), Jalandhar vide which objection petition filed by the petitioner under Section 47 of C.P.C. has been dismissed with exemplary costs of Rs. 50,000/-.

The petitioner in the objection petition claimed that Jiwan Singh vendor of decree-holder had derived his title from Rehabilitation Department by virtue of allotment,which was nullity hence could not pass a valid title in favour of vendee/DH. It was further claimed that the petitioner herein was entitled to transfer of land under the Displaced Persons ( Compensation and Rehabilitation ) Act, 1954 ( for short 'the 1954 Act).

It is not in dispute that the decree in favour of the decree-holder was upheld upto the Hon'ble High Court and in spite of this decree-holder was not given possession of the land.

From the record it is revealed that after loosing upto the High Court the petitioner herein approached the authorities under the 1954 Act for getting the allotment made in favour of Sh. Jiwan Singh in the year 1962 to be set aside. It was claimed by the petitioner that the Civil Court has no jurisdiction to adjudicate upon the matter and by not disclosing the factum of decree of the Civil Court an order was obtained by the petitioner from the authorities cancelling the allotment made in favour of Jiwan Singh in the year 1962.

The learned Executing Court noticed the fact that prior to filing of the present objection petition the petitioner had earlier filed objections on the same grounds, which were held to be not maintainable. Thereafter application for amendment of objections was filed, the same was disallowed on 25.2.1992, against which the petitioner had filed Civil Revision No. 1081 of 1992, which was also dismissed by this Court and, thus, amendment petition was dismissed. Thereafter, the objection petition was dismissed on 15.12.1992.

That after the dismissal of the objection petition the petitioner filed a civil suit seeking temporary injunction, which was not granted to him. Thereafter, the present objection petition was filed. The learned Executing Court rightly came to the conclusion that authorities under the 1954 Act had no jurisdiction to over rule the judgment and decree passed by the Civil Court, rather they were bound by the same. It also took notice of the fact that the present petition was nothing but misuse of the process of the Court and accordingly, dismissed the objection petition with exemplary costs of Rs. 50,000/-.

The learned counsel for the petitioner vehemently contended that in view of the orders passed by the authorities under the 1954, Act the decree is to be treated as nullity as Jiwan Singh vendor of the decree-holder had lost title in the property. This argument is totally misconceived. The petitioner after loosing upto the High Court could not challenge the title of Sh. Jiwan Singh and neither the authorities under the 1954 Act can unsettle the allotment made in the year 1962 after lapse of over 30 years.

In view of what has been stated above, there is no merit in the present revision petition, and the same is accordingly dismissed in limini.

October 24,2006 **( VINOD K. SHARMA )**
'sp' **JUDGE**